

# Sumter City-County Planning Commission

November 28, 2012

## OA-12-14, Adult Uses and Sexually Oriented Businesses (City)

### I. THE REQUEST

**Applicant:** Sumter City Council

**Request:** Consider Amendments to the Zoning Ordinance related to Adult Uses and Sexually Oriented Businesses.

### II. BACKGROUND

The City has recently asked for a review of all local zoning regulations related to adult uses and sexually oriented business. The City has engaged the law offices of Scott Berghold, a noted expert in the field of constitutional land use law.

What follows are recommended amendments to the zoning ordinance intended to dovetail with a comprehensive sexually oriented business licensing and regulatory ordinance the City is also considering. The proposed changes will strengthen the City's protections against the negative secondary effects of sexually oriented businesses.

The comprehensive approach includes revisions to the zoning ordinance and adoption of licensing requirements and operating regulations for sexually oriented businesses. City Council considered first reading on the sexually oriented business licensing ordinance on November 20, 2012. The regulations in that ordinance reflect efforts to minimize the secondary impacts (crime, noise, reduction in property values, drugs, etc.). Those draft regulations are attached to this report along with two primary documents describing secondary impacts. The licensing regulations deal explicitly with the nature of business operations and as such include standards related to hours of operations, licensing, alcohol prohibitions, among other items.

In the simplest terms, the local zoning approach proposes to permit all adult businesses by right (no conditional or special exception review) in the Heavy Industrial (HI) and Light Industrial Warehouse (LI-W) zoning districts and to establish clear separation standards from sensitive land uses such as homes, schools, parks, churches, etc. Functionally from a land use perspective, the primary change to current zoning regulations is to allow the use in specific zoning districts on a by right basis. The proposal also removes the use from the General Commercial (GC) District. Current zoning practice requires a special exception review and public hearing in front of the Board of Zoning Appeals.

### **III. ZONING ORDINANCE SUBCOMMITTEE – November 26, 2012**

*Note: Ordinance subcommittee meeting was held after publication of this report.*

### **IV. PROPOSED ORDINANCE AMENDMENT**

See Attachment entitled “*An Ordinance Amending the City of Sumter Zoning and Development Standards Ordinance with Regard to Adult Uses and Sexually Oriented Businesses.*”

### **V. STAFF RECOMMENDATION**

Staff recommends approval of this request.

### **VI. PLANNING COMMISSION – NOVEMBER 28, 2012**

The Sumter City-County Planning Commission at its meeting on Wednesday, November 28, 2012, voted to recommend approval for this request as presented.

### **VII. CITY COUNCIL – DECEMBER 4, 2012 – FIRST READING/PUBLIC HEARING**